

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Megan A. Maule,

Plaintiff,

v.

ORDER

R. James Nicholson, Secretary,
Department of Veterans Affairs.

Civil No. 04-1369

Donald H. Nichols and Michele R. Fisher, Nichols Kaster & Anderson for and on behalf of Plaintiff.

Patricia R. Cangemi, Assistant United States Attorney for and on behalf of Defendant.

Defendant has filed a letter in which he “lodges . . . objection to the thirteenth juror.” [Doc. No. 155.] The Court construes this letter as a motion to strike the alternate juror. The Court empaneled thirteen jurors in this case, twelve jurors and one alternate. At the time the jury was charged, both Plaintiff’s and Defendant’s Counsel agreed to allow the thirteenth juror to participate in deliberations. Specifically, during discussion about Plaintiff’s possible objection to allowing the thirteenth juror to deliberate, Defendant’s Counsel stated, “as long as

[Plaintiff] waive[s] it, we are fine with that, Your Honor.” Therefore, Defendant’s motion is without merit, and accordingly is denied.

IT IS HEREBY ORDERED that Defendant’s letter lodging an objection to the thirteenth juror, which the Court **construes as a Motion to Strike the Alternate Juror** [Doc. No. 155], is **DENIED**.

Date: September 14, 2006

____s/Michael J. Davis_____
Michael J. Davis
United States District Court